

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, SEPTEMBER 6, 1995**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
William Bush, Secretary
Peter Lilienfield

Members

Absent: Joseph Elliot

Also Present: Ralph Mastromonaco & Bruce Donohue,
Consultants
to the Planning Board
Brenda Livingston & William Hoffman, Ad Hoc
Planning
Board Members
Eugene Hughey, Building Inspector
Florence Costello, Recording Secretary
Joseph S. Jacoby, J&L Reporting Service,
for Westwood
Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 93-04 - Vahid & Mashid Noshirvani
Sht. 7B, Bl. 249, Lot 6, 6A
94-03 - Westwood Development Associates
Inc.
Sht. 10, 11, Lot 25, 25K, P25J2
95-01 - Stephanie Scott - 6 West Sunnyside
Lane
Sht. 1, P-3, P-5A2
95-17 - R.R. Irvington Associates
Lot(s) #55, #61, Amendment to Lot
#56
95-18 - R. Evan & Linda M. Smith
Cedarlawn Road

The Chairman called the meeting to order at 8:00 p.m.

IPB Matter #95-18:
Linda M. Smith for

Application of R. Evan &
Site Capacity Determination for
property at
Cedarlawn Road.

Applicant paid a fee of \$150.00 for an Application for Site Capacity Determination. The Applicant submitted a Topographic Survey prepared by Charles Riley, Land Surveyor, dated July 24, 1995. Walter P. Zulkoski, Esq., appeared for Applicant. After a brief discussion the Board on motion duly made and adopted determined that the Site Capacity of the property was zero (0) dwelling units.

IPB Matter #93-04:
Mashid Noshirvani for

Application of Vahid &
Amendment to the Site Development
Plan
Approval for properties at 58,
60, and 62 West
Clinton Avenue.

Applicant submitted evidence of mailing of the required notice of a public hearing. Mr. Noshirvani personally appeared in support of the Application.

The Chairman explained that the Application concerned the relocation of certain sanitary sewer services and a utility easement as reflected on plans prepared by Charles Riley, Land Surveyor, dated July 6, 1995. The Chairman opened the public hearing and as there were no comments from the public, the public hearing was closed.

The Board approved the revisions to the site plan relating to the relocation of sewer services and a utility easement subject to the Applicant's providing the Board with written proof of his authority to represent Mr. and Mrs. O'Hara and SAB Corp., each of whom now owns a lot in the Noshirvani subdivision, with regard to this matter and to the Applicant's furnishing proof that a

release of the access and egress over the Ramirez property immediately to the west of the Noshirvani property has been filed with the County land records.

IPB Matter #95-17: **Application of R.R.**
Irvington Associates for **Site Development Plan Approval**
for Lots 55 **and 61 and Amended Site**
Development Plan **Approval for Lot 56.**

James Ryan, R.L.A., of John Meyer Consulting and David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., appeared for the Applicant.

Mr. Steinmetz introduced Mr. Robert Houlihan, Project Supervisor at Bracebridge. Peter Lilienfield recused himself from the proceedings.

Applicant paid the required application fees and furnished evidence of the required mailings. Drawings prepared by John Meyer Consulting, Site Plan (Lot #55) dated 9/6/95, Site Plan (Lot #61), revised 9/9/95; Site Plan (Lot #56) revised 9/6/95 were submitted to the Board.

The Chairman noted that several members of the Board had conducted a site walk with respect to the amendment of the site plan for Lot 56 and with respect to the site plans for Lots 55 and 61.

Amendment to Lot 56

The Chairman opened the public hearing with regard to the amendment to the site plan, Mr. Ryan explained the changes that had been made in response to earlier comments. The Board also reviewed the comments of the ECB as reflected in its letter of August 28, 1995. The Board discussed the setback requirements regarding the revised plan and concluded they were satisfied. As there were no comments from the public the public hearing was closed.

After discussion, the Board approved the amended site plan for Lot 56 dated September 6, 1995, conditioned on no other building or improvement, (including a swimming pool) not presently shown on the site plan being

constructed on the property without further consideration by the Board of its appropriateness.

Lots 55 and 61

The public hearing was opened and no comments were made by the public. The Chairman referred to the Board's site walk of these lots and to the comments regarding the site plans by the ECB as reflected in their August 28, 1995 letter. The ECB comments were discussed by the Applicant and considered by the Board.

After further discussion the public hearings were closed and the Board approved the site plans for Lot 55 dated September 6, 1995, and Lot 61 dated September 9, 1995, subject to a covenant to be filed prohibiting any over land discharge of water from the pools included in the site plans.

The Chairman next noted two administrative matters. The first related to the proposed new Planning Board procedural regulation which had been forwarded to the Trustees. It was agreed that the new procedures would not apply to site capacity determinations. The Chairman next referred to his letter to Mercy College dated September 5, 1995 regarding traffic control from its property. The Board authorized the Chairman to pursue his inquiry with Mercy College and the appropriate Village officials.

IPB Matter #95-01:
Scott for Subdivision

Application of Stephanie

**Approval for property at 6 West
Sunnyside
Lane.**

Applicant furnished evidence of mailing of the required notices, but did not appear.

IPB Matter #94-03:
Development Associates,

Application of Westwod

**Inc., for Limited Site Plan
Approval for property
at Broadway, Riverview Road and
Mountain
Road.**

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference.

The Board examined the Site Capacity Plan for Westwood Development Associates prepared by Cronin Engineering, as revised June 26, 1995, and determined that in accordance with existing zoning the site capacity of the property owned by Westwood was 21 dwelling units. On Westwood Tract A, the portion closest to Broadway, the site capacity was determined to be 15 dwelling units. For Westwood Tract B, the site capacity in the 1F-20 zoning district was determined to be three dwelling units and the site capacity in the 1F-40 zoning district was determined to be one dwelling unit. On the conservation parcel, the site capacity was determined to be two dwelling units in the 1F-20 zoning district and zero dwelling units in the 1F-40 zoning district. For Tract C, the Village swap parcel, the site capacity was determined to be zero dwelling units. Various typographical errors were noted in the June 26, 1995 calculation and the applicant was requested to submit a corrected drawing and calculation prior to the Board's October meeting.

The Applicant pointed out that the Board's determination of a total site capacity of 21 dwelling units resulted from rounding down to the nearest whole number the fractional dwelling units resulting from the calculation of the site capacity within the various zoning districts included in the entire property. The Applicant pointed out that if these fractions were aggregated, the site capacity would be 22 dwelling units, not 21. The Chairman said he would request Village Counsel to give an opinion as to whether or not the fractional aggregation suggested by the Applicant was permissible under the applicable Village laws and regulations.

The Board also opened the scoping session under SEQRA and at the suggestion of various members of the Board and its consultants and the public, various items were added to the scope that the DEIS should address. The scoping session was carried over to the Board's October meeting.

The Board then considered the following administrative matters:

Minutes of the Planning Board held on July 12, 1995, and August 2, 1995, previously distributed, were, on motion duly made and seconded, approved.

The next regular meeting of the Planning Board was scheduled for Wednesday, October 11, 1995.

There being no further business, the meeting was adjourned.

Respectfully submitted,

William Bush, Secretary